

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CITIZENS FIRST NATIONAL BANK, a  
national banking association,

Plaintiff,

v.

HARTMANN PROPERTIES, LLC, an Illinois  
limited liability company, CONSOLIDATED  
FREIGHTWAYS CORPORATION OF  
DELAWARE, a Delaware corporation,  
PENSION BENEFIT GUARANTY  
CORPORATION, a Federal corporation, MID-  
STATES EXPRESS, INC., an Illinois  
corporation, UNKNOWN OWNERS and  
NON-RECORD CLAIMANTS,

Defendants.

And

PENSION BENEFIT GUARANTY  
CORPORATION, a Government Corporation,

Cross-Plaintiff,

v.

HARTMANN PROPERTIES, LLC, an Illinois  
limited liability company, CONSOLIDATED  
FREIGHTWAYS CORPORATION OF  
DELAWARE, a Delaware corporation, MID-  
STATES EXPRESS, INC., an Illinois  
corporation, UNKNOWN OWNERS and  
NON-RECORD CLAIMANTS,

Cross-Defendants.

Case No. 08 C 1642

**MOTION TO DISMISS  
PARTY DEFENDANT**

NOW COMES the Plaintiff, CITIZENS FIRST NATIONAL BANK, a National banking association, by Howard & Howard Attorneys, P.C., and moves to dismiss CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, as a party defendant by reason of its filing a release of its senior mortgage as described in the Complaint. This Defendant no longer has any interest in the property to be foreclosed upon.

April 9, 2008.

CITIZENS FIRST NATIONAL BANK

By: /s/Timothy J. Howard

Timothy J. Howard

Timothy J. Howard, ARDC No. 01271202  
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**CERTIFICATE OF ELECTRONIC FILING**  
**AND CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on April 9, 2008, I electronically filed a true and correct copy of the foregoing document with the Clerk of this Court using the CM/ECF system, which sent notification of such filing to the following:

AUSA  
United States Attorney's Office  
219 S. Dearborn Street  
Suite 500  
Chicago, Illinois 60604

Joel R. Nathan  
Assistant United States Attorney  
219 South Dearborn Street  
Chicago, Illinois 60604

I also certify that a true and correct copy of the foregoing document was served by First Class U.S. Mail, postage prepaid, on April 9, 2008 to the following non-CM/ECF participant(s):

Hartmann Properties, LLC  
c/o Thomas J. Streit, Registered Agent  
1999 West Downer Place, #101  
Aurora, Illinois 60506

Mid-States Express, Inc.  
c/o Thomas J. Streit, Registered Agent  
1999 West Downer Place, #101  
Aurora, Illinois 60506

Tania M. Moyron  
Levene, Neale, Bender, Rankin & Brill L.L.P.  
10250 Constellation Boulevard, Suite 1700  
Los Angeles, California 90067

/s/      Timothy J. Howard  
\_\_\_\_\_  
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